

103D CONGRESS  
1ST SESSION

# H. R. 3408

To establish the New Orleans Jazz National Historical Park in the State of Louisiana, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 1993

Mr. JEFFERSON (for himself, Mr. FIELDS of Louisiana, Mr. HAYES, Mr. LIVINGSTON, and Mr. TAUZIN) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To establish the New Orleans Jazz National Historical Park in the State of Louisiana, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “New Orleans Jazz Na-  
5       tional Historical Park Act of 1993”.

6       **SEC. 2. FINDINGS AND PURPOSES.**

7       (a) FINDINGS.—The Congress finds that—

8               (1) jazz is the United States’ most widely rec-  
9       ognized indigenous music and art form. Congress  
10      previously recognized jazz in 1987 through Senate

1 Concurrent Resolution 57 as a rare and valuable na-  
2 tional treasure of international importance;

3 (2) the city of New Orleans is widely recognized  
4 as the birthplace of jazz. In and around this city,  
5 cultural and musical elements blended to form the  
6 unique American music that is known as New Orle-  
7 ans jazz, which is an expression of the cultural di-  
8 versity of the lower Mississippi Delta Region; and

9 (3) Jean Lafitte National Historical Park and  
10 Preserve was established to commemorate the cul-  
11 tural diversity of the lower Mississippi Delta Region  
12 including a range of cultural expressions like jazz.

13 (b) PURPOSE.—In furtherance of the need to recog-  
14 nize the value and importance of jazz, it is the purpose  
15 of this Act to establish a New Orleans Jazz National His-  
16 torical Park, together with associated educational pro-  
17 grams, as a unit of the Jean Lafitte National Historical  
18 Park and Preserve which is headquartered in New Orle-  
19 ans, Louisiana. The historical park shall preserve the ori-  
20 gins and early history of jazz; provide visitors with oppor-  
21 tunities to experience the sights, sounds, and places where  
22 jazz evolved; and implement innovative ways of establish-  
23 ing jazz educational partnerships that will help to ensure  
24 that jazz continues as a vital element of the culture of  
25 New Orleans and our Nation.

1 **SEC. 3. ESTABLISHMENT.**

2 (a) IN GENERAL.—In order to assist in the preserva-  
3 tion, education, and interpretation of jazz as it has evolved  
4 in New Orleans, and to provide technical assistance to a  
5 broad range of organizations involved with jazz music and  
6 its history, there is hereby established the New Orleans  
7 Jazz National Historical Park (hereinafter referred to as  
8 the “historical park”). The historical park shall be admin-  
9 istered and managed as a unit of the Jean Lafitte Na-  
10 tional Historical Park and Preserve, which was established  
11 to preserve and interpret the cultural and natural re-  
12 sources of the lower Mississippi Delta Region.

13 (b) AREA INCLUDED.—The historical park shall con-  
14 sist of lands and interests therein as follows—

15 (1) lands which the Secretary of the Interior  
16 (hereinafter referred to as the “Secretary”) may  
17 designate for an interpretive visitor center complex;

18 (2) sites that are the subject of cooperative  
19 agreements with the National Park Service for the  
20 purposes of interpretive demonstrations and pro-  
21 grams associated with the purposes of this Act; and

22 (3)(A) sites designated by the Secretary as pro-  
23 vided in subparagraph (B);

24 (B)(i) the Secretary is directed to undertake a  
25 national historic landmark evaluation of sites associ-  
26 ated with jazz in and around New Orleans as identi-

1       fied in the document entitled “New Orleans Jazz  
2       Special Resource Study”, prepared by the National  
3       Park Service pursuant to Public Law 101–499. In  
4       undertaking the evaluation, the Secretary shall, to  
5       the extent practicable, utilize existing information  
6       relating to such sites, and

7               (ii) if any of the sites evaluated are found to  
8       meet the standards of the National Historic Land-  
9       mark program and National Park Service tests of  
10      suitability and feasibility, and offer outstanding op-  
11      portunities to further the purposes of this Act, the  
12      Secretary may designate such sites as part of the  
13      historical park, following consultation with the city  
14      of New Orleans, the Smithsonian Institution, and  
15      the Delta Region Preservation Commission, and no-  
16      tification to the Committee on Energy and Natural  
17      Resources of the United States Senate and the Com-  
18      mittee on Natural Resources of the United States  
19      House of Representatives.

20   **SEC. 4. ADMINISTRATION.**

21       (a) IN GENERAL.—The Secretary shall administer  
22      the historical park in accordance with this Act and with  
23      provisions of law generally applicable to units of the Na-  
24      tional Park System, including the Act entitled “An Act  
25      to establish a National Park Service, and for other pur-

1 poses,” approved August 25, 1916 (39 Stat. 535; 15  
2 U.S.C. 1, 2–4); the Act of August 21, 1935 (49 Stat. 666;  
3 16 U.S.C. 461–467); and title IX of Public Law 95–625,  
4 the enabling Act for Jean Lafitte National Historical Park  
5 and Preserve, as amended (16 U.S.C. 230). The Secretary  
6 shall manage the historical park in such a manner as will  
7 preserve and perpetuate knowledge and understanding of  
8 the history of jazz and its continued evolution as a true  
9 American art form.

10 (b) DONATIONS.—The Secretary may accept and re-  
11 tain donations of funds, property, or services from individ-  
12 uals, foundations, corporations, or other public entities for  
13 the purposes of providing services, programs, and facilities  
14 that further the purposes of this Act.

15 (c) INTERPRETIVE CENTER.—The Secretary is au-  
16 thorized to lease, construct, operate, or maintain an inter-  
17 pretive center in New Orleans. Programs at the center  
18 may include live jazz interpretive and education programs,  
19 and shall provide visitors with information about jazz-re-  
20 lated programs, performances, and opportunities.

21 (d) JAZZ HERITAGE DISTRICTS.—The Secretary may  
22 provide technical assistance to the city of New Orleans and  
23 other appropriate entities for the designation of certain  
24 areas in and around New Orleans as jazz heritage dis-  
25 tricts. Such districts shall include those areas with an ex-

1 ceptional concentration of jazz historical sites and estab-  
2 lished community traditions of jazz street parades.

3 (e) COOPERATIVE AGREEMENTS, GRANTS, AND  
4 TECHNICAL ASSISTANCE.—In furtherance of the purposes  
5 of this Act—

6 (1) the Secretary, after consultation with the  
7 New Orleans Jazz Commission established pursuant  
8 to section 7, is authorized to enter into cooperative  
9 agreements with owners of properties that are des-  
10 ignated pursuant to section 3(b)(3) which provide  
11 outstanding educational and interpretive opportuni-  
12 ties relating to the evolution of jazz in New Orleans.  
13 The Secretary may assist in the rehabilitation and  
14 restoration of, mark, interpret, and provide technical  
15 assistance for the preservation and interpretation of  
16 such properties. Such agreements shall contain, but  
17 need not be limited to, provisions that the National  
18 Park Service will have reasonable rights of access  
19 for operational and visitor use needs, that rehabilita-  
20 tion and restoration will meet the Secretary's stand-  
21 ards for rehabilitation of historic buildings, and that  
22 specify the roles and responsibilities of the Secretary  
23 for each site or structure;

24 (2) the Secretary is authorized to enter into co-  
25 operative agreements with the city of New Orleans,

1 the State of Louisiana, and other appropriate public  
2 and private organizations under which the other par-  
3 ties to the agreement may contribute to the acquisi-  
4 tion, construction, operation, and maintenance of the  
5 interpretive center and to the operation of edu-  
6 cational and interpretive programs to further the  
7 purposes of this Act; and

8 (3) the Secretary, in consultation with the Com-  
9 mission, is authorized to provide grants or technical  
10 assistance to public and private organizations.

11 (f) JAZZ EDUCATIONAL PROGRAMS.—The Secretary  
12 shall, in the administration of the historical park, promote  
13 a broad range of educational activities relating to jazz and  
14 its history. The Secretary shall cooperate with schools,  
15 universities, and organizations supporting jazz education  
16 to develop educational programs that provide expanded  
17 public understanding of jazz and enhanced opportunities  
18 for public appreciation. The Secretary may assist appro-  
19 priate entities in the development of an information base  
20 including archival material, audiovisual records, and ob-  
21 jects that relate to the history of jazz.

22 **SEC. 5. ACQUISITION OF PROPERTY.**

23 (a) GENERAL AUTHORITY.—The Secretary may ac-  
24 quire lands and interests therein within the sites des-  
25 ignated pursuant to section 3(b)(1) and (3) by donation

1 or purchase with donated or appropriated funds: *Provided*,  
2 That sites designated pursuant to section 3(b)(3) shall  
3 only be acquired with the consent of the owner thereof.

4 (b) STATE AND LOCAL PROPERTIES.—Lands and in-  
5 terests in lands which are owned by the State of Louisi-  
6 ana, or any political subdivision thereof, may be acquired  
7 only by donation.

8 **SEC. 6. GENERAL MANAGEMENT PLAN.**

9 Within 3 years after the date funds are made avail-  
10 able therefor and concurrent with the national landmark  
11 study referenced in section 3(b)(3), the Secretary, in con-  
12 sultation with the New Orleans Jazz Commission, shall  
13 prepare a general management plan for the historical  
14 park. The plan shall include, but need not be limited to—

15 (1) a visitor use plan indicating programs and  
16 facilities associated with park programs that will be  
17 made available to the public;

18 (2) preservation and use plans for any struc-  
19 tures and sites that are identified through the his-  
20 toric landmark study for inclusion within the histori-  
21 cal park;

22 (3) the location and associated cost of public fa-  
23 cilities that are proposed for inclusion within the his-  
24 torical park, including a visitor center;



1           (4) identification of programs that the Sec-  
2       retary will implement or be associated with through  
3       cooperative agreements with other groups and orga-  
4       nizations;

5           (5) a transportation plan that addresses visitor  
6       use access needs to sites, facilities, and programs  
7       central to the purpose of the historical park;

8           (6) plans for the implementation of an archival  
9       system for materials, objects, and items of impor-  
10      tance relating to the history of jazz; and

11          (7) guidelines for the application of cooperative  
12      agreements that will be used to assist in the man-  
13      agement of historical park facilities and programs.

14   **SEC. 7. ESTABLISHMENT OF THE NEW ORLEANS JAZZ COM-**  
15                           **MISSION.**

16          (a) ESTABLISHMENT.—To assist in implementing the  
17      purposes of this Act and the document entitled “New Or-  
18      leans Jazz Special Resource Study,” there is established  
19      the New Orleans Jazz Commission (hereinafter referred  
20      to as the “Commission”).

21          (b) MEMBERSHIP.—The Commission shall consist of  
22      15 members to be appointed no later than 6 months after  
23      the date of enactment of this Act. The Commission shall  
24      be appointed by the Secretary as follows:

1           (1) one member recommended by the Mayor of  
2       New Orleans;

3           (2) two members who have recognized experi-  
4       ence in music education programs that emphasize  
5       jazz;

6           (3) one member, with experience and knowledge  
7       of tourism in the greater New Orleans area, from  
8       recommendations submitted by local businesses;

9           (4) one member recommended by the Board of  
10      the New Orleans Jazz and Heritage Foundation;

11          (5) one member, with experience and knowledge  
12      of historic preservation within the New Orleans area;

13          (6) two members who are recognized musicians  
14      with knowledge and experience in the development of  
15      jazz in New Orleans;

16          (7) one member with recognized expertise in  
17      jazz and folklore preservation and interpretation,  
18      recommended by the Director of the Louisiana State  
19      Museum;

20          (8) two members who represent local neighbor-  
21      hood groups or other local associations, rec-  
22      ommended by the Mayor of New Orleans;

23          (9) one member representing local social and  
24      pleasure clubs, recommended by the Mayor of New  
25      Orleans;

1           (10) one member recommended by the Governor  
2           of the State of Louisiana, who shall be a member of  
3           the Louisiana State Music Commission;

4           (11) the Chairman of the Delta Regional Pres-  
5           ervation Commission, ex officio; and

6           (12) the Director of the National Park Service,  
7           or the Director's designee, ex officio.

8           (c) DUTIES OF THE COMMISSION.—The Commission  
9           shall—

10           (1) advise the Secretary in the preparation of  
11           the general management plan for the historical park;  
12           assist in public discussions of planning proposals;  
13           and assist the National Park Service in working  
14           with individuals, groups, and organizations including  
15           economic and business interests in determining pro-  
16           grams in which the Secretary should participate  
17           through cooperative agreements;

18           (2) in consultation and cooperation with the  
19           Secretary, develop partnerships with educational  
20           groups, schools, universities, and other groups to  
21           furtherance of the purposes of this Act;

22           (3) in consultation and cooperation with the  
23           Secretary, develop partnerships with citywide organi-  
24           zations, and raise and disperse funds for programs  
25           that assist mutual aid and benevolent societies in en-

1 couraging the continuation of and enhancement of  
2 jazz cultural traditions;

3 (4) acquire or lease property for jazz education,  
4 and advising on hiring brass bands and musical  
5 groups to participate in education programs and  
6 help train young musicians;

7 (5) in consultation and cooperation with the  
8 Secretary, provide recommendations for the location  
9 of the visitor center and other interpretive sites;

10 (6) assist the Secretary in providing funds to  
11 support research on the origins and early history of  
12 jazz in New Orleans; and

13 (7) notwithstanding any other provision of law,  
14 seek and accept donations of funds, property, or  
15 services from individuals, foundations, corporations,  
16 or other public or private entities and expend and  
17 use the same for the purposes of providing services,  
18 programs, and facilities for jazz education, or assist-  
19 ing in the rehabilitation and restoration of struc-  
20 tures identified in the national historic landmark  
21 study referenced in section 3(b)(3) as having out-  
22 standing significance to the history of jazz in New  
23 Orleans.

24 (d) APPOINTMENT.—Members of the Commission  
25 shall be appointed for staggered terms of 3 years, as des-

1   ignated by the Secretary at the time of the initial appoint-  
2   ment.

3       (e) CHAIRMAN.—The Commission shall elect a chair-  
4   man from among its members. The term of the chairman  
5   shall be for 3 years. The chairman of the Commission shall  
6   serve as an ex officio member of the Delta Regional Pres-  
7   ervation Commission.

8       (f) TERMS.—Any member of the Commission ap-  
9   pointed by the Secretary for a 3-year term may serve after  
10  the expiration of his or her term until a successor is ap-  
11  pointed. Any vacancy shall be filled in the same manner  
12  in which the original appointment was made. Any member  
13  appointed to fill a vacancy shall serve for the remainder  
14  of the term for which the predecessor was appointed.

15       (g) PER DIEM EXPENSES.—Members of the Commis-  
16  sion shall serve without compensation. Members shall be  
17  entitled to travel expenses under section 5703, title 5,  
18  United States Code, when engaged in Commission busi-  
19  ness, including per diem in lieu of subsistence in the same  
20  manner as persons employed intermittently.

21       (h) ADMINISTRATIVE SUPPORT.—The Secretary shall  
22  provide the Commission with assistance in obtaining such  
23  personnel, equipment, and facilities as may be needed by  
24  the Commission to carry out its duties.

1       (i) ANNUAL REPORT.—The Commission shall submit  
2 an annual report to the Secretary identifying its expenses  
3 and income and the entities to which any grants or tech-  
4 nical assistance were made during the year for which the  
5 report is made.

6 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

7       There is authorized to be appropriated such sums as  
8 may be necessary to carry out this Act.

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